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Response to Office Action of March 16, 2005

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REMARKS

Applicant thanks the Examiner for the very thorough consideration given the present application. Claims 10-30 are present in this application. Claims 1 –9 are canceled without prejudice to or disclaimer of the subject matter contained therein. Claims 10-20 have been amended, and claims 21-30 have been added. Claims 10, 16, and 23 are independent.

Reconsideration of this application, as amended, is respectfully requested.

Obviousness Type Double Patenting Rejection

Claims 1-20 are provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-9, 11-16 and 18-22 of co-pending U.S. Application No. 10/062,594. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

First of all, U.S. Application No. 10/062,594 is subject to a Restriction Requirement dated March 17, 2005.

The Examiner has required an election for Application No. 10/062,594 between:

Group I, claims 1-10, drawn to a method of managing a configuration database for a plurality of objects within a network element, classified in class 707, subclass 203; and

Group II, claims 11-23 drawn to a method of managing a configuration database within a network management program for a SONET ring network including an active network coupled in parallel to a standby network, classified in class 709, subclass 223.

In response to the Restriction Requirement for Application No. 10/062,594, the Applicant elected Group I, claims 1-10, and added claims 24-34, which are also included in Group I. Further the Applicant have cancelled all non-elected claims 11-23 (Group II) previously set forth in Application No. 10/062,594. As a result, Application No. 10/062,594 now includes only claims in Group I.

Regarding the present application (Application No. 10/066,033), the Applicant respectfully submits that that none of pending claims 10-30 of the present application is directed to the subject matter of Group I of Application No. 10/062,594. Therefore, by definition pending claims 10-30 of the present application are directed to an independent invention.

Therefore, applying the principles set forth in the third sentence of 35 U.S.C. 121, the Examiner is prohibited from using Application No. 10/062,594 as a reference against the present application.

Therefore, reconsideration and withdrawal of obviousness type double patenting is respectfully requested.

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Claim Objections/Rejection Under 35 U.S.C. 112, second paragraph

Claim 10 is objected to because of informalities and is Rejected under 35 U.S.C. 112, second paragraph as being indefinite.

In response the Applicant has amended claim 10 in order to correct minor typographical error. According, reconsideration and withdrawal of the objection and the rejection are respectfully requested.

Amendments To The Specification

The specification is amended merely to correct two typographical errors.

Rejections Under 35 U.S.C. 103(a)

Claims 1-4, 16 and 17 stand rejected under 35 U.S.C. 102(e) as being anticipated by Yamaguchi et al. (U.S. 6,526,441);

Claims 5-7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi et al. in view of Traversal et al. (U.S. 6,115,715); and

Claims 8-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Traversal et al. in view of Davis et al. (U.S.6,115,715). These rejection are respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

Independent Claim 1

As note above, claims 1-9 are canceled.

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Amended Independent Claims 10 and 16, and Added Independent Claim 23

While conceding the appropriateness of the Examiner's rejection, but merely to advance the prosecution of the present application,

Independent claim 10 is amended herein to recite a combination of elements directed to a system of managing a configuration database within a network management program for a SONET ring network, the system including, *inter alia*

one or more of the managed objects include an object reference and a storage location pointer to another of the managed objects, the another of the managed objects being accessed by a combination of the object reference and the storage location pointer associated with the one or more of the managed objects;

independent claim 16 is amended herein to recite a combination of elements directed to an apparatus for managing a configuration database within a network management program for a computer network, the apparatus including, *inter alia*

wherein a first one of the managed objects includes object reference information and pointer information in order to access at least a second one of the managed transactions; and

independent claim 23 is added herein to recite a combination of elements directed to a system of managing a configuration database within a network management program for a SONET ring network including an active network coupled in parallel to a standby network, the system including, *inter alia*

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at least a first one of the managed objects includes object reference information and pointer information in order to access at least a second one of the managed transactions.

The Applicant respectfully submits that the combination of elements set forth in each of independent claims 10, 16, and 23 is not suggest by the references cited by the Examiner, including Yamaguchi et al., Traversat et al., and Davis et al.

In the Office Action, the Examiner cites Yamaguchi et al. to reject independent claim 16, and cites Traversat et al. in view of Davis et al. to reject independent claims 10 and 16.

Regarding the Yamaguchi et al. document, the Abstract discloses "…..The input/output device configuration reference table and the input/output device information table each have an input/output device information part and an input/output device connection part arranged in a matrix form to allow addition/deletion of an input/output device and a computer".   However, Yamaguchi et al. column 5, lines 4-8 merely discloses "The connection information 12 is the information of a data route from an input/output device via a network channel." This is not the same as the present invention.

Regarding the Traversat et al. document, the Examiner refers to Traversat et al. column 10, lines 32, 52, and asserts the disclosure therein is sufficient to suggest the subject matter of independent claim 10.   However, the Applicant respectfully submits that Traversat et al. merely discloses a sequential process in

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which the top-most entry in a queue is read first, and then this is done for each entry in the event queue until all updates related to a transaction have been wiped out.

By contrast, as set forth in independent claims 10, 16, and 23 of the present invention, the object references and pointers for each managed object are maintained in a map, and the managed objects are accessed by a pointer/key combination of other managed objects. The pointer for the object is the memory location where the object is stored, and the key is the object reference.

Unlike either of Yamaguchi et al. or Travaersat et al., the novel configuration of the present invention allows accessing of managed objects through direct links through other managed objects. This provides for a level of efficiency over present network element restoration and synchronization methods.

Further, the Applicant respectfully submits that Davis et al. cannot make up for the deficiencies of Traversat et al.

Thus, at least for the reasons described above, the Applicant respectfully submits that combination of elements set forth in each of independent claims 10, 16, and 23 is not suggest by the references cited by the Examiner, including Yamaguchi et al., Traversat et al., and Davis et al.

Dependent Claims

The Examiner will note that dependent claims 11-15 and 17-20 have been amended to place them in better form, and claims 21, 22, and 24-30 have been added to set forth additional novel features of the present invention.

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All dependent claims are allowable based on their dependence from allowable independent claims 10, 16 and 23, or due to the additional novel features set forth therein. Reconsideration and allowance thereof are respectfully requested.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Carl T. Thomsen (Reg. No. 50, 786) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP
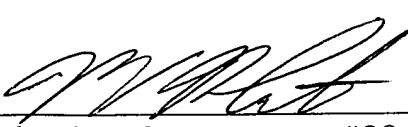
By_____
Michael R. Cammarata, #39,491

MRC/CTT/ags

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000